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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,525	06/28/2001	Manoel Tenorio	020431.0843	8191

7590, 07/29/2003
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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PR

Office Action Summary	Application No.	Applicant(s)	
	09/895,525	TENORIO, MANOEL	
	Examiner	Art Unit	
	Susan Y Chen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation are requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 23 and 37, are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

As to claims 23 and 37, these claims direct toward a subject matter "Software" consisting of various operations, however software by itself is not operable without being implemented in a computer executable media and therefore the claimed invention lacks utility.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 37, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 23 and 37, these claims direct toward a "Software" consisting of various operations. These claims can be constructed as nothing more than the instruction contents of a program, it is unclear under 35 U.S. C. 112, second paragraph as to how these un-interpreted instructions can carry out the alleged functions of their respective operations. Since such a meaning is only secured upon a (missing) interpretation and execution within the context of a computer executable media.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 12, 23, and 34, are rejected under 35 U.S.C. 102(b) as being anticipated by Chipman et al. (U.S. Patent No. 6,038,668).

As to claims 1, 12, 23, and 34, Chipman et al. (hereinafter referred as Chipman) discloses a computer-implemented system [e.g. Fig. 1, Fig. 5; Fig. 6] for associating target data with product classification schema with means, method and computer program product to perform the following processing:

- means [e.g. the High End Supplier with Page Generator (105), Fig. 1] for accessing the computer product classification schema [e.g. the Portal (102), Fig. 1], which comprising a taxonomy with hierarchical classes into which products is being categorized [e.g., col. 4, lines 9-17; 35- 40], the schema further comprising ontology associated with the classes, each ontology comprising one or more product attributes [e.g., col. 4, lines 16-21];
- means [e.g., the Low End Supplier with Browser only (104), Fig. 1] for accessing the target data to be associated with the schema [e.g. the Portal (102), Fig. 1];

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- means [e.g. the Tool Suite (602), Fig. 6] for determining one or more classes with which at least a portion of the target data is associated based on a comparison between the target data and the product attributes of the ontology [col. 13, lines 43-60];
- means [e.g. the Local Portal (607), the Ontology Tracking Component (608), the Web Crawler (609), etc., Fig. 6] for associating at least a portion of the target data with one or more classes in response to determining one or more classes with which at least a portion of the target data should be associated [col. 11, line 61 - col. 12, line 44].

As to claims 2-6, 13-17 and 24-28, except all the features as discussed above, Chipman further discloses that the system associates a portion of the target data with the ontology of the classes by matching name, value, symbols and format [e.g. col. 4, lines 10-13; col. 6, lines 14-26].

As to claims 7-8, 18-19 and 29-30, except all the features as discussed above, Chipman further discloses that the system uses vector space [e.g. the rank field mechanism, col. 8, lines 5-11; the table between lines 15 –24] and other statistical correlation techniques to identify portions of the target data including values that correspond to values for a product attributes included in the ontology of the classes [e.g. the Tool Suite (602), Fig. 6; col. 13, line 39 – col. 14, line 4].

As to claims 10-11, 21-22 and 32-33, Chipman further discloses that the system associates a specific portion of target data with the classes by pointers [e.g. col. 2, lines 58 – col. 3, line 6; col. 3, lines 21-26].

As to claims 9, 20, 31, 35-37, Chipman discloses all the claimed features as discussed in claims 1-8, 10-11, 12-19, 21-30 and 32-33. Furthermore, he teaches that the product attributes, and values is stored in the seller (or supplier) databases [e.g., the Legacy Databases (406) of the supplier system, Fig. 4; col. 10, lines 26-38].

Conclusion

6. To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tuzhiling (U.S. Patent No. 6,236,978) which disclosed a system and method for dynamic profiling of users to generate a dynamic profile; Wical et al.

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(U.S. Patent No. 6,101,515) which disclosed a learning system for classification of terminology via ontology schema. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-6296.

Susan Chen

July 23, 2003


WAYNE AMSBURY
PRIMARY PATENT EXAMINER